

EXHIBIT 75

BEFORE THE AMERICAN ARBITRATION ASSOCIATION

North American Court of Arbitration for Sport Panel

United States Anti-Doping Agency,)	
)	
Claimant,)	
v.)	
)	AAA No. 30 190 00847 06
Floyd Landis,)	
)	
Respondent)	
_____)	

DECLARATION OF DANIEL J. DUNN.

I, Daniel J. Dunn, declare as follows:

1. I am serving as one of the attorneys representing the United States Anti-Doping Agency (USADA) in this matter.

2. At USADA's request, I spent the week of April 16 to 21, 2007, at the *Laboratoire National de Dépistage du Dopage* (LNDD) while LNDD tested seven urine samples collected from Respondent during various stages of the 2006 Tour de France along with negative control samples obtained from UCLA's Olympic Analytical Laboratory (the "April Analyses"). The Panel's March 17, 2007 Interlocutory Award allowed the testing to go forward under certain conditions and ruled the results are admissible as evidence for specific purposes. *See* Interlocutory Award at 6, ¶¶ 24, 25 (March 17, 2007). I attended the April Analyses to ensure that USADA's rights were protected and to verify that the Respondent representatives did not use their privilege of observation as a means to evade the reasonable limits the Panel has placed on them in this proceeding.

3. I have reviewed the declarations that Dr. Rodrigo Aguilera and LNDD representatives Dr. Jacques de Ceaurizz, Dr. Corinne Buisson and Ms. Mongongu have provided in support of USADA's opposition to Respondent's motion in limine. I have also reviewed the declaration that Mr. Paul Scott provided Respondent in support of his motion in limine. I hereby verify the accuracy of the accounts set forth in the declarations of Dr. Aguilera and the LNDD representatives regarding the statements made (and not made) on Friday April 20 and until 12:30 p.m. on Saturday, April 21, by the representatives of Respondent, USADA and LNDD regarding the voluntary termination of Respondent's observation of the April Analyses on Sunday and Monday, April 22 and 23, 2007.

4. In summary, Respondent's representatives agreed and represented, without any qualification whatsoever, that they would *not* be present at LNDD on those two days. In reliance on those representations and promises, Dr. Aguilera and I traveled home to the United States on Sunday. If Respondent's representatives had let me know that they intended to observe on Sunday or Monday, I certainly would have changed my plans to stay over and observe as well.

5. Mr. Scott had all of my contact information from the business card I had given him on April 16, 2007. He even knew the phone number of the hotel where I was staying in Paris because he called me there on Saturday at 8:20 a.m. after I was late picking him up at his hotel at the appointed 8:10 a.m. time. (Mr. Scott, Dr. Davis and I had been sharing a cab to and from LNDD most of the days during which the April Analyses were performed.) I had gotten to know Mr. Scott over the long week we spent together at LNDD and in the fifty minute-long cab rides we shared to and from LNDD each day. Despite the overreaching conduct he displayed while observing the analyses, I had come to place a modicum of trust in

Mr. Scott. That trust was shattered when I learned after I arrived back in the United States that, contrary to the express promises and representations he had made, he had shown up at LNDD on Sunday demanding admittance to the facility. He did so knowing full well that no USADA representative would or could be there and that he had agreed that the sole method for obtaining any further information from LNDD regarding the April Analyses after Saturday was through e-mails LNDD was to send simultaneously to each side transmitting the results and the basic documentation surrounding them.

6. I was particularly troubled that Mr. Scott made no attempt whatsoever to notify me of his changed intention. I had made it clear to Mr. Scott on multiple occasions that I needed to be present if he was going to be present.¹ Mr. Scott is an attorney. I presumed that he would have exhibited the professionalism and good faith our profession requires and let me know if he intended to violate the clear understanding we had reached.

7. As the declarations the LNDD representatives and Dr. Aguilera demonstrate, Mr. Scott has made a number of inaccurate and misleading and mistaken statements in his declaration. I will not repeat them all here, other than a few that bear special mention.

8. Before I do that, however, I would like to note two important facts. At no point during the April Analyses did any of Mr. Landis' representatives ever object or indicate any reticence to proceeding because no expert for this Panel was present. On the contrary, they appeared fully capable of observing all they needed to assure themselves that process was fair and the analyses were properly performed. Second, no Respondent representative ever

¹ The one exception was a few hours on Saturday afternoon when I made sure Dr. Aguilera would be present for USADA.


requested or even suggested that any of Mr. Landis' B samples be split or that any aliquot of them be preserved so that they or some other Respondent representative could independently analyze the material.

9. The parties reached agreement on Friday April 20 that, because after Saturday all of the sample preparation would be complete and only the running of the ICMS or GCMS machines and reducing the data to written format would remain, the parties no longer needed to be present. Accordingly, the parties decided and agreed that the sole means for either party to obtain any further information after Saturday was through e-mails from LNDD transmitting the results and basic documentation. Mr. Scott never mentioned any possibility of staying beyond Saturday or any desire to observe events on Sunday or Monday.

10. On Saturday morning, we learned that Dr. Davis had returned to England and would not observe any further part of the April Analyses. The parties again confirmed the agreement they reached on Friday regarding no further observations after Saturday and the sole method for obtaining any further information. I informed Mr. Scott that I would be flying back to the United States on Sunday. He indicated that he too planned to fly out on Sunday. Dr. Aguilera also informed us of his Sunday departure plan.

11. I left the LNDD facility at 12:30 p.m. on Saturday with the clear understanding that neither party would appear on Sunday or Monday. I relied on Mr. Scott's promise and representation that he was also not going to be at LNDD on either day. Otherwise, I would have stayed and appeared as well.

I declare under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct and that this declaration was executed on April 30, 2007.


Daniel. J. Dunn